

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**DANNY ALLEN**

**VS.**

**SDR TRUCKING, LLC AND TIMOTHY  
DEWAYNE HARRELL**

§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 9:18-cv-50**

**JURY REQUESTED**

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants, SDR TRUCKING, LLC AND TIMOTHY DEWAYNE HARRELL, and hereby give notice of their removal of Cause No. CV-00041-18-01 in the 159<sup>TH</sup> Judicial District Court of Angelina County, Texas, to the United States District Court for the Eastern District of Texas pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

**Factual Background**

1. On or about December 1, 2017, Plaintiff claims he was injured when his vehicle was struck by a SDR's Trucking's tractor and trailer in Angelina County, Texas. Plaintiff filed suit in state court.
2. Plaintiff filed suit in state court on January 19, 2018. Service of Citation and Petition with Requests for Disclosure on SDR Trucking, LLC and Timothy Dewayne Harrell. by service on the Texas Secretary of State on February 15, 2018. In Plaintiff's Petition there is a monetary claim for damages in an amount over \$1,00,000.00, which exceeds the jurisdictional minimum. The case has been on file for less than one year. Removal is both timely and appropriate.

### **Basis for Removal and Jurisdiction**

3. This cause may be removed pursuant to 28 U.S.C. § 1441(a). “[A]ny civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending.” This Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy is greater than \$75,000.00.

### **Full Diversity Between the Parties**

#### ***Complete Diversity of Citizenship***

4. To have diversity of citizenship, each plaintiff must have a different citizenship from each defendant. 28 U.S.C. § 1332. Complete diversity of citizenship exists between the parties as the Plaintiff is a Texas citizen and none of the Defendants are Texas citizens or corporations

5. Plaintiff is a citizen of the State of Texas.

6. Defendant, Timothy Dewayne Harrell, is a resident and citizen of the State of Tennessee.

7. Defendant, SDR Trucking, LLC is a Tennessee corporation with its principal place of business in Tennessee.

#### ***Amount in Controversy***

8. In order for diversity jurisdiction to exist, the amount in controversy must exceed \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

9. In papers filed in State court, Plaintiff alleges damages being sought are over \$1,000,000.00.

### **Removal is Timely and Appropriate**

10. If the plaintiff creates diversity jurisdiction sometime after filing the initial complaint, the defendant has one year from the commencement of the suit to remove. 28 U.S.C. § 1446(b). A defendant has 30 days to remove a civil action after receipt of the first pleading or other paper that establishes the jurisdictional grounds. 28 U.S.C. § 1446(b). When diversity is the basis for removal, the defendant can rely on the plaintiff's voluntary assertion of damages within the complaint to meet the monetary jurisdictional requirement for diversity. *S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489, 492 (5th Cir. 1996). "The burden of establishing subject matter jurisdiction in federal court rests on the party seeking to invoke it." *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). Here, Plaintiff's Pleading voluntarily asserts an amount in controversy up to \$500,000.00. This removal is filed within the thirty (30) days of the service of Plaintiff's Petition. The removal is both timely and appropriate.

### **Jury Demanded**

11. Defendants request that the case be tried before a jury.

### **Consent of Served Defendants**

12. Defendants, SDR Trucking, LLC and Timothy Dewayne Harrell consent to this removal.

### **Compliance with Local Rule and Notice Requirements**

14. Pursuant to 28 U.S.C. § 1446 and Local Rule 81, the following documents are attached to this Notice:

Exhibit A.....Plaintiff's Original Petition and Requests for Disclosure with Civil Case Information Sheet

Exhibit B.....Correspondence to the Court with attached Citations for Timothy D. Harrell and SDR Trucking, LLC

Exhibit C..... Return of Citation for Timothy D. Harrell

Exhibit D.....Return of Citation of SDR Trucking, LLC

Defendants know of no orders signed by the state judge.

15. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument will be given to Plaintiff. A true and correct copy of this Notice of Removal will also be attached as an exhibit with the written Notice of Removal filed with the clerk of the state court.

Respectfully submitted,

/s/ Roger D. Oppenheim

---

Roger D. Oppenheim  
FBN: 14206  
SBN: 15292400

OF COUNSEL:

**LORANCE & THOMPSON, P.C.**

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

ATTORNEY FOR DEFENDANTS

SDR TRUCKING, LLC AND

TIMOTHY DEWAYNE HARRELL

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of March, 2018, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

W. Lamar DeLong  
Zehl & Associates  
2700 Post Oak Blvd., Ste. 1120  
Houston, TX 77056  
[ldelong@zehllaw.com](mailto:ldelong@zehllaw.com)

/s/ Roger D. Oppenheim

---

Roger D. Oppenheim

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**DANNY ALLEN**

**VS.**

**SDR TRUCKING, LLC AND TIMOTHY  
DEWAYNE HARRELL**

§  
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**CIVIL ACTION NO. 9:18-cv-50**

**JURY REQUESTED**

**INDEX OF MATTERS BEING FILED**

Defendants SDR TRUCKING, LLC AND TIMOTHY DEWAYNE HARRELL, in connection with the removal of this case to the United States District Court for the Eastern District of Texas, Lufkin Division, file their index of matters, as follows:

Exhibit A.....Plaintiff's Original Petition and Requests for Disclosure with Civil Case Information Sheet

Exhibit B.....Correspondence to the Court with attached Citations for Timothy D. Harrell and SDR Trucking, LLC

Exhibit C.....Return of Citation for Timothy D. Harrell

Exhibit D.....Return of Citation of SDR Trucking, LLC

Respectfully submitted,

/s/ Roger D. Oppenheim

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ATTORNEY FOR DEFENDANTS

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TIMOTHY DEWAYNE HARRELL

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of March, 2018, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

W. Lamar DeLong

Zehl & Associates

2700 Post Oak Blvd., Ste. 1120

Houston, TX 77056

[ldelong@zehllaw.com](mailto:ldelong@zehllaw.com)

/s/ Roger D. Oppenheim

---

Roger D. Oppenheim

Filed 1/19/2018 10:44 AM  
Reba Squyres, District Clerk  
Angelina County, Texas  
By: Kimberly Scott,  
Deputy Clerk

NOCV-00041-18-01

DANNY ALLEN,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
V.	§	
	§	ANGELINA COUNTY, TEXAS
SDR TRUCKING, LLC, and TIMOTHY	§	
DEWAYNE HARRELL,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

Plaintiff, Danny Allen, files this Original Petition and Request for Disclosure, complaining of the acts and omissions of Defendants, SDR Trucking, LLC and Timothy Dewayne Harrell, and would respectfully show the Court as follows:

**I.  
DISCOVERY LEVEL**

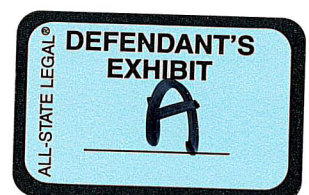
1. Plaintiff requests that discovery in this matter be conducted under Level 3 of the Texas Rules of Civil Procedure.

**II.  
PARTIES & SERVICE**

2. Plaintiff, Danny Allen, is an individual who resides at 249 Old Hwy 59, Lufkin, Texas 75904. The last three digits of Mr. Allen's Texas driver's license number are 218.

3. Defendant, SDR Trucking, LLC, is a Tennessee limited liability company with its corporate headquarters and principal place of business located at 5600 Universal Dr., Memphis, Tennessee 38118 and is therefore a nonresident under section 17.041 of the Texas Civil Practice and Remedies Code and other applicable law. On information and belief, SDR Trucking, LLC does a substantial amount of business in the State of Texas, does not maintain a place of regular business in Texas, has not designated or maintained a resident agent for service of process in Texas.

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE





and this lawsuit arises out of business in Texas to which SDR Trucking, LLC is a party. Therefore, pursuant to section 17.044 of the Texas Civil Practice and Remedies Code, section 5.251 of the Texas Business Organizations Code, and other applicable law, the Texas Secretary of State is SDR Trucking, LLC's agent for service of process. Service of process directed at SDR Trucking, LLC can therefore be effectuated by the procedures outlined in section 17.045 of the Texas Civil Practice and Remedies Code, section 5.252 of the Texas Business Organizations Code, and other applicable law. The Secretary of State shall forward the citation and petition to this defendant's registered agent, Mary Ann Jackson, at 165 Madison Avenue, Floor 20, Memphis, Tennessee 38103. Plaintiff requests a citation.

4. Defendant, Timothy Dewayne Harrell, is an individual who resides at 4701 Waterfront Oak Dr., Memphis, Tennessee 38128. Mr. Harrell is therefore a nonresident natural person. Mr. Harrell engages in business in the State of Texas. The last three digits of Mr. Harrell's Tennessee driver's license are 195. This lawsuit arises from a tort that Mr. Harrell committed in the State of Texas, which, under TEX. CIV. PRAC. & REM. CODE ANN. § 17.042(2), constitutes business that Mr. Harrell did in Texas. As such, this lawsuit arises out of business Mr. Harrell conducted in this state to which he is a party. Mr. Harrell is a nonresident who engages in business in this state who: (1) does not maintain a regular place of business in Texas; (2) does not maintain a home address in Texas; and (3) does not have a designated agent for service of process. Therefore, pursuant to section 17.044 of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is Mr. Harrell's agent for service of process. As such, Mr. Harrell can be served through the Texas Secretary of State at his home or home office located at 4701 Waterfront Oak Dr., Memphis, Tennessee 38128 pursuant to the procedures outlined in section 17.045 of the Texas Civil Practice and Remedies Code. This defendant may be served at the above address or wherever he may be found. Plaintiff requests a citation.

**III.  
JURISDICTION & VENUE**

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. This Court has personal jurisdiction over the parties because all or a substantial part of the events giving rise to this dispute occurred within the State of Texas. Moreover, this Court has personal jurisdiction over Defendants SDR Trucking, LLC and Timothy Dewayne Harrell because these defendants conduct business in the State of Texas and they committed a tort in the State of Texas, pursuant to section 17.042 of the Texas Civil Practice and Remedies Code.

7. This is a negligence case arising out of a vehicular accident that occurred in Angelina County, Texas that resulted in severe and debilitating injuries to Plaintiff Danny Allen.

8. Venue is proper in Angelina County under section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

9. Further, this Court has personal jurisdiction over SDR Trucking, LLC. and Timothy Dewayne Harrell because, at all times material to this action, Defendants: (a) engaged in acts that constitute "doing business" in the State of Texas; (b) Defendant SDR Trucking, LLC. purposefully established contacts with the State of Texas; and (c) the assumption of jurisdiction over these defendants will not offend the traditional notions of fair play and substantial justice.

10. In addition to other acts that may constitute "doing business," a nonresident does business in the State of Texas if the nonresident commits a tort in whole or in part of the State of Texas. *See* TEX. CIV. PRAC. & REM. CODE § 17.042(2). Specifically, these defendants submitted themselves to the jurisdiction of the court by doing, personally or through their agents, at all times material to this cause of action, the following acts:

- A. Conducting and engaging in substantial business and other activities in Texas by transporting and/or delivering cargo in and through the State of Texas.

B. Committing a tortious act within the State of Texas, as further described herein.

C. Causing injury to Plaintiff in Texas through Defendant Harrell's tortious acts of failing to keep a proper lookout, failing to apply the brakes in a timely manner, failing to maintain a safe distance between vehicles, and failing to maintain a single lane.

11. The Court has jurisdiction over the subject matter in controversy because the damages sought by Plaintiff are within the jurisdictional limits of this Court.

#### **IV. FACTS**

12. On or about December 1, 2017 at approximately 5:41 a.m., Plaintiff, Danny Allen, was driving his 2007 Ford F-150 southbound in the 2600 block of Medford Street in Lufkin, Angelina County, Texas. Plaintiff was driving to work, travelling the speed limit and otherwise lawfully abiding the rules of traffic. Plaintiff was driving in the inside lane.

13. At the same time, Defendant, Timothy Dewayne Harrell, was operating a commercial vehicle owned and/or controlled by Defendant SDR Trucking, LLC. Defendant Harrell was also travelling southbound in or near the 2600 block of Medford in Lufkin, Angelina County, Texas. Defendant was in the outside lane, immediately to the right of Plaintiff.

14. Based on information and belief, as the vehicles approached the 2600 block of Medford Street, they were driving uphill onto an overpass. The overpass curves to the right at the crest of the overpass on Medford southbound. Both lanes curve, in conformity with the curvature of the overpass roadway. As both vehicles approached the curve, they were essentially travelling side-by-side with Plaintiff's vehicle slightly ahead of the tractor that Defendant Harrell was operating.

15. Suddenly, and without warning, as the vehicles reached the top of the overpass, Defendant Harrell crossed into the inside lane which was occupied by Plaintiff, and approached Plaintiff's vehicle from the side on Medford southbound. Due to Defendant Harrell's recklessness failure to pay attention and his failure to maintain a single lane of travel, the front left quarter of the tractor

that he was driving smashed into the passenger side panel of Plaintiff's F-150. The impact caused by Defendant Harrell forced Plaintiff's vehicle onto the shoulder of Medford, and rammed Plaintiff into the concrete barrier. Thereafter, Plaintiff's vehicle was dragged by the trailer several feet until finally coming to rest. This collision caused severe injuries to Plaintiff, which have required, and continue to require, substantial medical treatment.

**V.**

**NEGLIGENCE AGAINST DEFENDANT, TIMOTHY DEWAYNE HARRELL**

16. Plaintiff would show that Defendant Timothy Dewayne Harrell was the driver of a tractor-trailer operated for profit. Mr. Harrell is a professional trucker driver. Because he is a professional, he is held to a heightened degree of care than that of a reasonably careful person. As such Mr. Harrell had a duty to exercise a professional degree of care to avoid harm to others under circumstances similar to those described herein.

17. Plaintiff's injuries were proximately caused by Defendant's negligent, careless and reckless disregard of this duty.

18. The negligent, careless, and reckless disregard of this duty consisted of, but is not limited to, the following acts and omissions:

- A. failing to keep a proper lookout for Plaintiff that would have been exercised by a person of ordinary prudence under the same or similar circumstances;
- B. failing to apply his brakes to his motor vehicle in a timely and prudent manner and/or wholly failing to apply his brakes in order to avoid the collision in question;
- C. failing to keep a safe distance from Plaintiff's vehicle;
- D. failing to maintain a single lane of traffic;
- E. such additional acts of negligence, which will be established as the case progresses.

**VI.**  
**VICARIOUS LIABILITY**  
**AGAINST DEFENDANT, SDR TRUCKING, LLC**

19. At the time of the occurrence of the act in question and immediately prior thereto, Defendant Timothy Dewayne Harrell was within the course and scope of employment for Defendant SDR Trucking, LLC.

20. At the time of the occurrence of the act in question and immediately prior thereto, Defendant Timothy Dewayne Harrell was engaged in the furtherance of the business of the Defendant SDR Trucking, LLC.

21. At the time of the occurrence of the act in question and immediately prior thereto, Defendant Timothy Dewayne Harrell was engaged in accomplishing a task for which he was employed by Defendant SDR Trucking, LLC.

22. Additionally, or alternatively, at the time of the occurrence of the act in question and immediately prior thereto, Defendant Timothy Dewayne Harrell was a statutory employee of Defendant SDR Trucking, LLC, under 49 C.F.R. §§ 376.11–.12, 390.5 *et seq.*, 37 TEX. ADMIN. CODE § 4.11 *et seq.*, and other applicable law.

23. Therefore, under the doctrine of *Respondeat Superior*, Defendant SDR Trucking, LLC is vicariously liable for Defendant Timothy Dewayne Harrell's conduct, further outlined elsewhere in this petition and incorporated by reference herein fully.

**VII.**  
**DAMAGES FOR PLAINTIFF DANNY ALLEN**

24. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Danny Allen, has suffered severe injuries and incurred the following damages:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the crash complained of herein and such charges are reasonable and were usual and customary charges for such services;

- b. Reasonable and necessary medical care and expenses that will, in all reasonable probability, be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering that will, in all reasonable probability, be suffered in the future;
- e. Disability and physical impairment in the past;
- f. Disability and physical impairment which, in all reasonable probability, will be suffered in the future;
- g. Mental anguish in the past;
- h. Mental anguish which, in all reasonable probability, will be suffered in the future;
- i. Loss of wages and earning capacity in the past;
- j. Loss of wages and earning capacity, which, in all probability, will be incurred in the future;
- k. Cost of medical monitoring and prevention in the future; and
- l. Any and all other damages to which Plaintiff shows entitlement in law or equity through the course of this proceeding.

#### **VIII.**

#### **RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT**

25. Plaintiff prefers to have the jury determine the fair amount of compensation for Plaintiff's damages. It is early in the case to be assessing the full nature and scope of Plaintiff's injuries, and Plaintiff places the decision regarding the amount of compensation to be awarded in the jury's hands. Rule 47 of the Texas Rules of Civil Procedure, however, *requires* Plaintiff to provide a statement regarding the amount of monetary relief sought. Accordingly, Plaintiff states that monetary relief of over \$1,000,000, in amount to be determined by the jury, is being sought.

**IX.  
NOTICE OF INTENT TO USE DISCOVERY AT TRIAL**

26. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff hereby gives notice that he intends to use all discovery instruments produced in this case at trial. Such discovery instruments include, but are not limited to, all documents Defendants have produced in response to Plaintiff's written discovery requests.

**X.  
REQUEST FOR DISCLOSURE**

27. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants produce the information or material described in Rule 194.2(a)–(l).

**XI.  
REQUEST FOR JURY TRIAL**

28. Plaintiff hereby requests a jury trial on this matter and has or will pay the appropriate jury fee.

**XII.  
CONCLUSION & PRAYER**

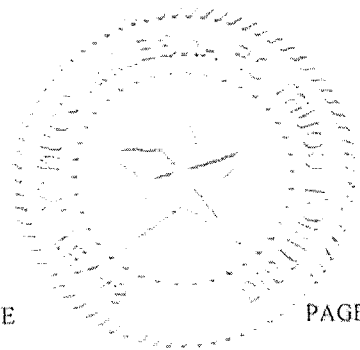
For these reasons, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and, upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate; costs of court; and such other and further relief to which the Court determines Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

/s/ W. Lamar DeLong

W. Lamar DeLong  
ldelong@zehllaw.com  
Texas State Bar No. 24101693  
Ryan H. Zehl  
Texas State Bar No. 24047166  
rzechl@zehllaw.com  
Matt L. Martin  
mmartin@zehllaw.com  
Texas State Bar No. 24090246  
ZEHL & ASSOCIATES, PC  
2700 Post Oak Blvd., Suite 1120  
Houston, Texas 77056  
Telephone 713.491.6064  
Facsimile 713.583.8545

**ATTORNEYS FOR PLAINTIFF,  
DANNY ALLEN**







Zehl & Associates  
A PROFESSIONAL CORPORATION

Galleria Tower I  
2700 Post Oak Blvd., Suite 1120  
Houston, Texas 77056  
Main: (713) 491-6064  
Facsimile (713) 583-8545  
www.zehllegal.com

January 19, 2018

Angelina County District Clerk—*Via e-file*

Re: Danny Allen vs. SDR Trucking, LLC and Timothy Dewayne Harrell

Dear Sir or Madam:

Please issue citations to the Defendant via the Texas Secretary of State in the referenced case as follows:

SDR Trucking, LLC.  
c/o its Registered Agent, Mary Ann Jackson  
165 Maison Avenue, Floor 20  
Memphis, Tennessee 38103

Timothy Dewayne Harrell  
4701 Waterfront Oak Drive  
Memphis, Tennessee 38128

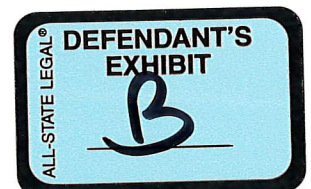
The necessary fees are being tendered with this filing.

If you should have any questions, please contact our office at 713-491-606.

Thank you for your assistance with this matter.

Sincerely,

Vickye Manning  
Paralegal  
Attorneys for Plaintiff



**CITATION**

**CLERK OF THE COURT**

Reba Squyres  
District Clerk  
P.O. Box 908  
Lufkin, Texas 75902

**ATTORNEY FOR PLAINTIFF**

W. LAMAR DELONG  
2700 POST OAK BLVD STE 1120  
HOUSTON, TX 77056

**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **Timothy D Harrell**, Defendant

GREETINGS: You are commanded to appear by filing a written answer to the plaintiff's petition at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 159th Judicial District Court of Texas, at the Courthouse in Lufkin, Texas.

Said plaintiff's petition was filed on **January 19, 2018 at 10:44 O'CLOCK A.M.**

The file number of said suit being **CV-00041-18-01**.

The style of the case is:

**DANNY ALLEN  
VS  
SDR TRUCKING LLC AND  
TIMOTHY DEWAYNE HARRELL**

A copy of plaintiff's petition accompanies this citation.

Issued on this the 22nd day of January, 2018.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Lufkin, Texas, on this the 22nd day of January, 2018.

**FEES UNPAID**

**RULE 103**

Reba Squyres, District Clerk  
Angelina County, Texas  
P.O. Box 908  
Lufkin, Texas 75902



By: Kimberly Scott, Deputy  
Kimberly Scott, Deputy District Clerk

Cause: CV-00041-18-01

Executed when copy is delivered:

This is a true copy of the original citation with \_\_\_\_\_  
 was delivered to defendant \_\_\_\_\_, on the \_\_\_\_\_ day of  
 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Officer

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

**ADDRESS FOR SERVICE:**

Timothy D Harrell,  
 Via Texas Secretary of State  
 4701 Waterfront Oak Drive  
 Memphis, TN 38128

**OFFICER'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, o'clock  
 \_\_\_\_\_.m., and executed in \_\_\_\_\_ County, Texas by delivering to each of the within  
 named defendants in person, a true copy of this Citation and \_\_\_\_\_  
 with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's petition, at  
 the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

\_\_\_\_\_ and the cause or failure to execute this process is:

\_\_\_\_\_ and the information received as to the whereabouts of said defendant(s) being:

**FEES:**

Serving Petition and Copy \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_

\_\_\_\_\_, Officer  
 \_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

Affiant

\*Rule 107 Verification: Subscribed and sworn to by the above named \_\_\_\_\_ before me this the \_\_\_\_\_  
 day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

Person Administering Oath

**CITATION**

**CLERK OF THE COURT**

Reba Squyres  
District Clerk  
P.O. Box 908  
Lufkin, Texas 75902

**ATTORNEY FOR PLAINTIFF**

W. LAMAR DELONG  
2700 POST OAK BLVD STE 1120  
HOUSTON, TX 77056

**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **SDR Trucking LLC, C/O ITS REGISTERED AGENT, MARY ANN JACKSON**, Defendant

GREETINGS: You are commanded to appear by filing a written answer to the plaintiff's petition at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 159th Judicial District Court of Texas, at the Courthouse in Lufkin, Texas.

Said plaintiff's petition was filed on **January 19, 2018 at 10:44 O'CLOCK A.M.**

The file number of said suit being **CV-00041-18-01**.

The style of the case is:

**DANNY ALLEN**

**VS**

**SDR TRUCKING LLC AND  
TIMOTHY DEWAYNE HARRELL**

A copy of plaintiff's petition accompanies this citation.

Issued on this the 22nd day of January, 2018.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Lufkin, Texas, on this the 22nd day of January, 2018.

**FEES UNPAID**

**RULE 103**

Reba Squyres, District Clerk  
Angelina County, Texas  
P.O. Box 908  
Lufkin, Texas 75902

By: Kimberly Scott, Deputy  
Kimberly Scott, Deputy District Clerk



Cause: CV-00041-18-01

Executed when copy is delivered:

This is a true copy of the original citation with \_\_\_\_\_ was delivered to defendant \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Officer

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

**ADDRESS FOR SERVICE:**

SDR Trucking, LLC., C/O Its Registered Agent,  
Mary Ann Jackson, Via Texas Secretary of State  
165 Madison Avenue  
Floor 20  
Memphis, TN 38103

**OFFICER'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_\_.m., and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation and \_\_\_\_\_ with the date of delivery endorsed thereon, together with the accompanying copy of the plaintiff's petition, at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

\_\_\_\_\_ and the cause or failure to execute this process is:

\_\_\_\_\_ and the information received as to the whereabouts of said defendant(s) being:

**FEES:**

Serving Petition and Copy \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

\_\_\_\_\_, Officer

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

Affiant

\*Rule 107 Verification: Subscribed and sworn to by the above named \_\_\_\_\_ before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

Person Administering Oath

Filed 2/16/2018 12:26 PM  
Reba Squyres, District Clerk  
Angelina County, Texas  
By: Alicia Murphy,  
Deputy Clerk

**CITATION**

**CLERK OF THE COURT**

Reba Squyres  
District Clerk  
P.O. Box 908  
Lufkin, Texas 75902

**ATTORNEY FOR PLAINTIFF**

W. LAMAR DELONG  
2700 POST OAK BLVD STE 1120  
HOUSTON, TX 77056

**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **Timothy D Harrell**, Defendant

GREETINGS: You are commanded to appear by filing a written answer to the plaintiff's petition at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 159th Judicial District Court of Texas, at the Courthouse in Lufkin, Texas.

Said plaintiff's petition was filed on **January 19, 2018 at 10:44 O'CLOCK A.M.**

The file number of said suit being **CV-00041-18-01**.

The style of the case is:

**DANNY ALLEN  
VS  
SDR TRUCKING LLC AND  
TIMOTHY DEWAYNE HARRELL**

A copy of plaintiff's petition accompanies this citation.

Issued on this the 22nd day of January, 2018.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Lufkin, Texas, on this the 22nd day of January, 2018.

**FEES UNPAID**

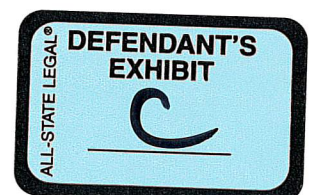
**RULE 103**

Reba Squyres, District Clerk  
Angelina County, Texas  
P.O. Box 908  
Lufkin, Texas 75902

By: Kimberly Scott, Deputy  
Kimberly Scott, Deputy District Clerk



**AFFIDAVIT ATTACHED**



IN THE 159TH JUDICIAL DISTRICT  
ANGELINA COUNTY, TEXAS

CAUSE NO. CV-00041-18-01

DANNY ALLEN  
VS  
SDR TRUCKING LLC, AND TIMOTHY DEWAYNE HARRELL

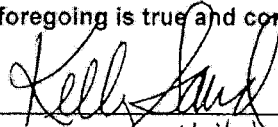
**RETURN**

Came to my hand: 02/15/2018, at 10:30 o'clock A.M., the following specified documents:

- Citation
- Plaintiff's Original Petition and Request for Disclosure
- Request for Jury Trial
- Statutory Fee to the Secretary of State in the amount of \$55

and executed by me on: 2/15/2018, at 2:23 o'clock P.M., at 1019 Brazos Street, Austin, Travis County, Texas, 78701, by delivering to TIMOTHY D. HARRELL, by delivering to SECRETARY OF STATE OF TEXAS, by delivering to citations clerk having charge of Corporation Department/Statutory Documents Section of Secretary of State of Texas, LIZ CORDELL, in person, true copies in duplicate of the above specified documents having first endorsed on such copies the date of delivery.

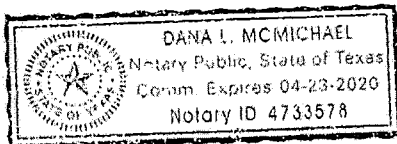
I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

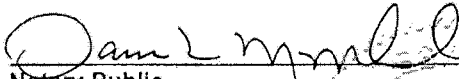
  
Authorized Person Kelly Land; PSC 912  
Expiration Date: 10/31/2018

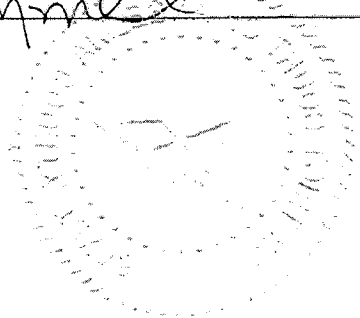
STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this 15th day of February, 2018



  
Notary Public





Filed 2/16/2018 12:28 PM  
Reba Squyres, District Clerk  
Angelina County, Texas  
By: Alicia Murphy,  
Deputy Clerk

**CITATION**

**CLERK OF THE COURT**

Reba Squyres  
District Clerk  
P.O. Box 908  
Lufkin, Texas 75902

**ATTORNEY FOR PLAINTIFF**

W. LAMAR DELONG  
2700 POST OAK BLVD STE 1120  
HOUSTON, TX 77056

**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **SDR Trucking LLC, C/O ITS REGISTERED AGENT, MARY ANN JACKSON**, Defendant

GREETINGS: You are commanded to appear by filing a written answer to the plaintiff's petition at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 159th Judicial District Court of Texas, at the Courthouse in Lufkin, Texas.

Said plaintiff's petition was filed on **January 19, 2018 at 10:44 O'CLOCK A.M.**

The file number of said suit being **CV-00041-18-01**.

The style of the case is:

**DANNY ALLEN**

**VS**

**SDR TRUCKING LLC AND  
TIMOTHY DEWAYNE HARRELL**

A copy of plaintiff's petition accompanies this citation.

Issued on this the 22nd day of January, 2018.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Lufkin, Texas, on this the 22nd day of January, 2018.

**FEES UNPAID**

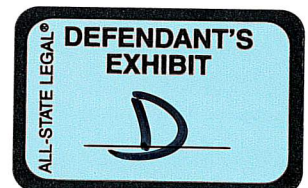
**RULE 103**

Reba Squyres, District Clerk  
Angelina County, Texas  
P.O. Box 908  
Lufkin, Texas 75902

By: Kimberly Scott, Deputy  
Kimberly Scott, Deputy District Clerk



**AFFIDAVIT ATTACHED**





IN THE 159TH JUDICIAL DISTRICT  
ANGELINA COUNTY, TEXAS

CAUSE NO. CV-00041-18-01

DANNY ALLEN  
VS  
SDR TRUCKING LLC, AND TIMOTHY DEWAYNE HARRELL

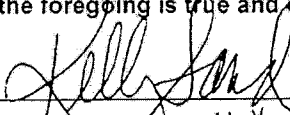
**RETURN**

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- Citation
- Plaintiff's Original Petition and Request for Disclosure
- Request for Jury Trial
- Statutory Fee to the Secretary of State in the amount of \$55

and executed by me on: 2/15/2018, at 2:33 o'clock PM, at  
1019 Brazos Street, Austin, Travis County, Texas, 78701, by delivering to SDR TRUCKING, LLC., by delivering to SECRETARY OF STATE OF TEXAS, by delivering to citations clerk having charge of Corporation Department/Statutory Documents Section of Secretary of State of Texas, LIZ CORDELL, in person, true copies in duplicate of the above specified documents having first endorsed on such copies the date of delivery.

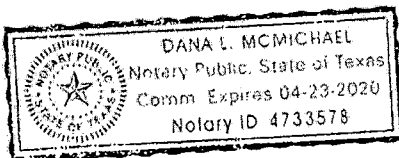
I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

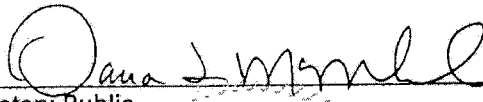
  
Authorized Person Kelly Land; PSC5912  
Expiration Date: 10/31/2018

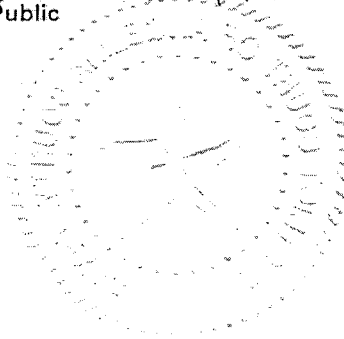
STATE OF TEXAS }

**VERIFICATION**

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this 15<sup>th</sup> day of February, 2018



  
Notary Public



**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**DANNY ALLEN**

**VS.**

**SDR TRUCKING, LLC AND TIMOTHY  
DEWAYNE HARRELL**

§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 9:18-cv-50**

**JURY REQUESTED**

**LIST OF PARTIES, COUNSEL OF RECORD AND STATUS**

**PLAINTIFF:**

Danny Allen

**DEFENDANTS:**

SDR Trucking, LLC  
Timothy Dewayne Harrell

**ATTORNEYS:**

**ATTORNEY FOR PLAINTIFF:**

W. Lamar DeLong  
SBN:  
FBN:  
Ryan Zehl  
SBN: 24047166  
FBN:  
**ZEHL & ASSOCIATES, PC**  
2700 Post Oak Blvd., Ste. 1120  
Houston, TX 77056  
713/491-6064  
713/583-8545 (fax)  
[idelong@zehllaw.com](mailto:idelong@zehllaw.com)  
[rzehl@zehllaw.com](mailto:rzehl@zehllaw.com)

**ATTORNEY FOR DEFENDANTS**

Roger D. Oppenheim  
SBN: 15293400  
FBN: 14205  
**LORANCE & THOMPSON, PC**  
2900 North Loop West, Ste. 500  
Houston, TX 77092  
713/868-5560  
713/864-4671 (fax)  
[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

**STATUS OF REMOVED CASE:**

January 19, 2016      Plaintiff's Original Petition with Requests for Disclosure

March 16, 2018      Defendants' Notice of Removal

Defendants, SDR Trucking, LLC and Timothy Dewayne Harrell have been served with the Plaintiff's Original Petition with Requests for Disclosure. Defendants have not filed responses to written discovery. No depositions have been taken. The matter has not been mediated. The case

has no trial setting or other court ordered deadlines.

Respectfully submitted,

/s/ Roger D. Oppenheim

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Roger D. Oppenheim  
FBN: 14206  
SBN: 15292400

OF COUNSEL:

**LORANCE & THOMPSON, P.C.**

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

[rdo@lorancethompson.com](mailto:rdo@lorancethompson.com)

ATTORNEY FOR DEFENDANTS

SDR TRUCKING, LLC AND

TIMOTHY DEWAYNE HARRELL

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of March, 2018, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

W. Lamar DeLong

Zehl & Associates

2700 Post Oak Blvd., Ste. 1120

Houston, TX 77056

[ldelong@zehllaw.com](mailto:ldelong@zehllaw.com)

/s/ Roger D. Oppenheim

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Roger D. Oppenheim